

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	CC Docket No. 02-6
	)	
Requests for Review of by	)	
	)	Biblioteca Fundación Sila M. Calderón
Biblioteca Fundación Sila M. Calderón	)	Billed Entity Number 16056811
	)	Funding Year 2014-2015
of Decisions of the	)	Form 471 Application No. 979877
Universal Service Administrator	)	
	)	Funding Requests Nos. 2670061,
	)	2670068, 2670072, 2670080, 2670085,
	)	2670089, 2670095, 2670104, 2670124,
	)	2670129, 2670132, 2670158, 2670164,
	)	2670170, 2670175, 2670181, 2670186,
	)	2670193, 2670200, 2670210, 2670217,
Schools and Libraries Universal Service	)	2670221, 2670248, and 2670251
Support Mechanism	)	
	)	

Submitted: December 14, 2015

ATT: To whom it may concern:

**REQUEST FOR REVIEW**

Biblioteca Fundación Sila M. Calderón (hereinafter, the “Consortium”) which is located in the Commonwealth of Puerto Rico, pursuant to Sections 54.719(c) and 54.722(a) of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>1</sup> hereby petitions the Commission’s Wireline Competition Bureau for review of adverse decisions by the Universal Service Administrative Company (“USAC”) with respect to the above-referenced Funding Request Numbers (“FRNs”) for Funding Year 2014, filed by the members of the Consortium.

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<sup>1</sup> 47 C.F.R. §§ 54.719(c), 54.722(a).

## **I. BACKGROUND**

The Consortium represents thirteen (13) libraries and educational technology centers<sup>2</sup> that applied for E-rate funding FY 2014-2015. Our sites are located throughout the island of Puerto Rico and provide an important public community service in areas where is most needed, thus closing the technology gap and providing assistance and technology to the unemployed, the elderly and students in general.

E-rate funds are critical to us so Internet access can be provided to the communities in need, bringing the 21<sup>st</sup> Century technology advantages that will allow them to compete in an increasingly global economy. We deeply regret any misunderstanding regarding our response to USAC, however we take this opportunity to address this misunderstanding.

The Administrator's Decision on Appeal from which we respectfully request review, state the following issues in its explanation for denial:

### **ISSUE 1**

Your FRN is denied because you indicated in response to the Administrator's Information Request that you received assistance from Service Provider A New Vision in Educational Services & Materials (NEVESEM) d.b.a Dreyfous & Associates, SPIN 143022659, in the creation of the referenced FCC Form 470 for the FRN. A service provider that participates in the competitive bidding process as a bidder cannot be involved in the preparation or certification of the entity's FCC Form 470. Specifically, you indicated that the service provider supplied you with instructions on preparing and completing the FCC Form 470 which also included lists of services to request on your FCC Form 470. This action constitutes improper service provider involvement and the FRN is denied.

### **ISSUE 2**

Program rules state that applicants submit "bona fide requests for services." Per the FCC's Ysleta Order, an applicant's FCC Form 470 must detail specific services sought in a manner that would allow bidders to understand the specific technologies

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<sup>2</sup> The members of the Consortium are: Centro Tecnológico Comunidad Sabana Eneas (BEN 16063217), Centro Tecnológico Comunidad Palmarejo II (BEN 16063529), Biblioteca Electrónica Buena Vista (BEN 16063224), Biblioteca Electrónica Centro Elim (BEN 16063533), Biblioteca Fundación Sila M. Calderón (BEN 16056811), Biblioteca Electrónica La Salud (BEN 16063527), Centro Tecnológico Comunidad Las Flores (BEN 16067712), Biblioteca Electrónica de San San Romualdo (BEN 16028644), Centro Tecnológico Hosanna Community Development Center (BEN 16067713), Centro Tecnológico de La Alianza de Líderes Rincoefios (BEN 16067711), Biblioteca Electrónica de Dulces Labios (BEN 16028627), Biblioteca Electrónica Las Carolinas (BEN 16051834), and Biblioteca Electrónica Maguayo (BEN 16063530)

that the applicant is seeking. Thus, a Form 470 that sets out virtually all elements that are on the eligible services list would not allow a bidder to determine what specific services the applicant was seeking. You provided documentation showing that Service Provider A New Vision in Educational Services & Materials (NEVESEM) d.b.a Dreyfous & Associates, SPIN 143022659, supplied you with instructions on preparing and completing the FCC Form 470 which also included lists of services to request on your FCC Form 470. The list of services requested on the FCC Form 470 mirrors the list of services supplied by NEVESEM. Your response indicates the FCC Form 470 is not representative of a bona fide request for services. Thus, you have failed to adhere to this requirement and the FRN is denied.

## **II. STATEMENT OF RELEVANT FACTS**

Form 470 # 995690001224799 was completed solely by our staff's representative. In no way, shape or form A New Vision in Educational Services and Materials or its personnel provided assistance to the Consortium on completing Form 470.

Due to the language barrier, complexity of the form and difficulty of the process, NEVESEM provided a guide. The generic guide in no form, indicated or coaxed us in the selection of services or equipment. It was clearly not intended to favor any provider, particular service or product, it simply provided a guide on the steps needed to be completed so the form could be properly filed.

Our Form 470 included services based on the technology needs of all members of the Consortium, as established in our very carefully thought-out Technology Plan for 2014-2017. The Form we submitted is a bona fide request for E-rate services including the services that we reasonably determined were necessary to achieve the goals set forth in the Technology Plan.

The economic situation in Puerto Rico is so precarious that the Obama Administration recently named a team of Administration experts to work with Puerto Rico "to marshal existing federal resources" and assist Puerto Rico in "maximizing the impact of existing federal funds flowing to the Island."<sup>3</sup> If USAC's decisions are left to stand, the results would be devastating to the Institution, and the students and the people from the disadvantaged communities it serves. E-Rate funding is critical to Puerto Rico's economy and to the sites' functionality.

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<sup>3</sup> *Supporting Puerto Rico's Economic Development Progress*, The White House, President Obama and the Hispanic Community, Nov. 21, 2013, available at: <http://www.whitehouse.gov/blog/2013/11/21/supporting-puerto-rico-s-economic-development-progress> (last visited June 20, 2014).



As we have stated in all documentation submitted to USAC, we attest to the fact that we completed and filed Form 470 without assistance from the service provider. Furthermore, we reiterate that the request for services was bona fide, based on our libraries' needs. We have always acted in strict compliance with all applicable rules and regulations. Moreover, the administration of all funds and grants received by the Foundation is adequately documented and managed to the highest standards.

For the reasons set forth above, the Institution respectfully requests USAC to change the decision made regarding FCC Form 471 979877, funding requests numbers 2670061, 2670068, 2670072, 2670080, 2670085, 2670089, 2670095, 2670104, 2670124, 2670129, 2670132, 2670158, 2670164, 2670170, 2670175, 2670181, 2670186, 2670193, 2670200, 2670210, 2670217, 2670221, 2670248, and 2670251 to an approval of funds for E-Rate applications Funding Year 2014.

Respectfully submitted,

**BIBLIOTECA FUNDACION SILA M.  
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